

0007

0007/005 Incoming

Q



KATHY L. BRITTIN  
Risk Manager

January 28, 2009

**Via UPS Next Day**

Ms. Angela Nance  
Utah Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, UT 84114-5801

Re: Canyon Fuel Company  
Permit # ACT/007/005  
Exhibit D

Dear Angela:

Both the President of Canyon Fuel and Greg Galecki were in St. Louis this week, so we got the enclosed Exhibit D signed. Hopefully this is everything you need to process the replacement bond and release the St. Paul Bond #400SA1919.

Thank you for your help. If you have any questions or need anything further please do not hesitate to give me a call at (314) 994-2800.

Sincerely,

Kathy Brittin  
Risk Manager

Enclosure

cc: Greg Galecki, CFC

**RECEIVED**  
**JAN 29 2009**

DIV. OF OIL, GAS & MINING

## **EXHIBIT "D"**

### **Stipulation to Revise Reclamation Agreement (Federal)**

Permit Number: C/007/005  
Effective Date: \_\_\_\_\_  
Bond Number: SUR0000311

**COAL**  
**STIPULATION TO REVISE RECLAMATION AGREEMENT**  
--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

Changing Surety Company bonds from St. Paul Fire and Marine Insurance Company, bond #400SA1919 to Rockwood Casualty Insurance Company, bond #SUR0000311.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

\_\_\_\_\_ Replace the Reclamation agreement in its entirety.

X Replace Exhibit "A"- bonded area.

\_\_\_\_\_ Replace Exhibit "B"- bonding agreement

\_\_\_\_\_ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

The bonding type is changed from \_\_\_\_\_ to \_\_\_\_\_.

The surface disturbance is revised from \_\_\_\_\_ acre to \_\_\_\_\_ acres.

The expiration date is revised from \_\_\_\_\_ to \_\_\_\_\_.

The liability insurance carrier is changed from \_\_\_\_\_ to \_\_\_\_\_.

The amount of insurance coverage for bodily injury and property damage is changed  
from  
\$ \_\_\_\_\_ to \$ \_\_\_\_\_.

IN WITNESS WHEREOF, Canyon Fuel Company, LLC the **PERMITTEE** has  
hereunto set its signature and seal this 28TH day of JANUARY, 20 09.

*Gene E. DiClaudio*  
**PERMITTEE**

By: Gene E. DiClaudio

Title: Chief Executive Officer

ACCEPTED BY THE STATE OF UTAH this \_\_\_ day of \_\_\_\_\_, 20\_\_.

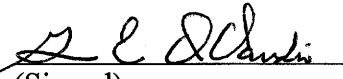
\_\_\_\_\_  
**Director,**  
Division of Oil, Gas and Mining

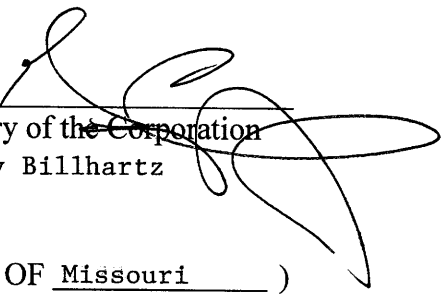
**NOTE:** An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

Bond Number SUR0000311

**AFFIDAVIT OF QUALIFICATION  
PERMITTEE**  
--ooOOoo--

I, Gene E. DiClaudio, being first duly sworn under oath, deposes and says that he is the President of Arch Western Bituminous Group; and that he is duly authorized to execute and deliver the foregoing obligations; and that said PERMITTEE is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

  
(Signed)  
Gene E. DiClaudio, President

Attest:   
Secretary of the Corporation  
Gregory Billhartz

STATE OF Missouri )  
 ) ss:  
COUNTY OF St. Louis )

Subscribed and sworn to before me this 28th day of January, 20 09.

  
Notary Public - Kristin L. Walker

My Commission Expires:

September 23, 20 12

